

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

**DERRICK WILSON,**

**Plaintiff,**

**v.**

**5:01-CV-1597  
(FJS/DEP)**

**NELSON AQUINO, sam being a Police Officer  
in the employ of the City of Syracuse Police  
Department, in his individual and official  
capacity; RALPH BOWERING, sam being a  
Police Officer in the employ of the City of Syracuse  
Police Department, in his individual and official  
capacity; MICHAEL EMOND, sam being a Police  
Officer in the employ of the City of Syracuse Police  
Department, in his individual and official capacity;  
and BRIAN LENDY, sam being a Police Officer  
in the employ of the City of Syracuse Police  
Department, in his individual and official  
capacity,**

**Defendants.**

---

**APPEARANCES**

**OF COUNSEL**

**OFFICE OF ANTHONY C. OFODILE**

498 Atlantic Avenue  
Brooklyn, New York 11217  
Attorneys for Plaintiff

**ANTHONY C. OFODILE, ESQ.**

**CITY OF SYRACUSE  
OFFICE OF CORPORATION COUNSEL**

City Hall  
233 East Washington Street  
Syracuse, New York 13202  
Attorneys for Defendants

**MARY ANNE DOHERTY, ESQ.  
NANCY JEAN LARSON, ESQ.  
JAMES P. MCGINTY, ESQ.**

**OFFICE OF EMIL M. ROSSI**

307 South Townsend Street, Suite 100  
Syracuse, New York 13202  
Attorneys for Officer Lendy

**EMIL M. ROSSI, ESQ.**

**OFFICE OF MICHAEL J. VAVONESE**  
407 South Warren Street, Suite 300  
Syracuse, New York 13202  
Attorneys for Officer Lendy

**MICHAEL J. VAVONESE, ESQ.**

**SCULLIN, Senior Judge**

**ORDER**

Currently before the Court is Plaintiff's motion, pursuant to 42 U.S.C. § 1988, for attorney's fees and costs expended on his successful defense of Defendants' appeal of the judgment in this action. Specifically, Plaintiff seeks attorney's fees for 82 hours and 28 minutes that his attorney expended on that appeal, as well as for three hours of travel. Plaintiff seeks reimbursement at the hourly rate of \$175.00 for legal work and \$87.50 for travel time, for a total of \$14,721.87. Plaintiff also seeks \$622.07 in costs for the printing of sixteen copies of the appellate brief and for the filing and service of those copies.

Plaintiff filed his attorney's contemporaneous time records to support his motion. In response, Defendants argue that the Court should either disallow or reduce various work-time entries. After reviewing the time records and Defendants' objections, the Court finds as follows:<sup>1</sup>

---

<sup>1</sup> In addition to their objections about the number of hours that Plaintiff's attorney expended on the legal work associated with Plaintiff's defense of their appeal, Defendants also object to Plaintiff's entry regarding his three hours of travel to get to and from the Second Circuit. Plaintiff responded to Defendants' objection, and the Court finds that Plaintiff has offered a reasonable explanation for the three hours of travel time.

Date of Entry	Requested Hours	Court-approved Hours
10/11/06	2 hrs., 30 mins	0
9/2/06, 9/30/06, 10/12/06, 10/20/06, 10/21/06, 10/22/06, and 10/23/06	35 hrs., 36 mins.	31.1 hrs.
5/6/07, 5/7/07, 5/8/07	23 hrs.	15 hrs.
6/7/07	7 hrs., 30 mins.	4 hrs.
7/11/06, 10/2/06, 3/10/07, 3/21/07, 3/25/07, 3/27/07, 5/26/07	9 hrs.	9 hrs.

Based upon the Court's review, the reasonable number of hours that Plaintiff's attorney expended on the successful defense of Defendants' appeal is **59.1 hours** of legal work and **3.0 hours** of travel. Using the hourly rate of \$175.00 for the legal work and \$87.50 for travel, the Court finds that Plaintiff is entitled to an award of attorney's fees in the amount of **\$10,605.00** and costs for printing and serving the appellate brief in the amount of **\$622.07**.

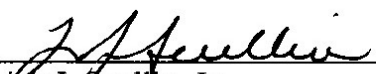
Accordingly, the Court hereby

**ORDERS** that Plaintiff's motion for attorney's fees and costs is **GRANTED** in the amount of **\$11,227.07**; and the Court further

**ORDERS** that the Clerk of the Court shall enter a judgment in favor of Plaintiff consistent with this Order.

**IT IS SO ORDERED.**

Dated: January 23, 2009  
Syracuse, New York

  
Frederick J. Scullin, Jr.  
Senior United States District Court Judge